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EXAMINER

FOX, BRYAN J

ART UNIT PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/088,041	Applicant(s) AOYAMA, SHINJI	
	Examiner Bryan J Fox	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20021021</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claims 13 and 26 are objected to for failing to comply with 37 CFR 1.75 which requires that the claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 2, 11, 14, 15 and 24, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 1, 2, 14 and 15, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Regarding claims 1, 2, 14 and 15, the phrase "and so on" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and so on"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

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Claim 13 recites the limitation "said date" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 26 recites the limitation "said date" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10, 11, 14-21, 24, 27-53 and 55-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Mashiko (US006249690B1).

Regarding claim 1, Mashiko discloses a portable information equipment system with a battery charger including a storage portion for storing backup information of the personal information stored in the portable information equipment (see column 7, lines 51-56), which reads on the claimed "data back up system for a portable telephone comprising a database center 16 provided for outside for backing up data such as telephone numbers and so on set and stored in said portable telephone...and a data backup unit including a charging section having a charging connection terminal to be connected to a charging terminal of said portable telephone to charge a battery in said portable telephone". When the portable information equipment and the battery charger

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are connected to be chargeable, the micro controller can transmit and receive a signal to/from the micro controller in the portable telephone equipment (see column 7, line 58 – column 8, line 2), which reads on the claimed “an information transmission interface part to be connected to an external information instrument connection interface part of said portable telephone”. The micro controller (see column 7, line 58 – column 8, line 2) reads on the claimed “data control section to give a command to said portable telephone through said information transmission interface part to control said data set and stored in said portable telephone”. The personal information stored in the storage portion in the portable information equipment is transferred to the storage portion in the battery charger as the backup information, or the backup information stored in the storage portion is transferred to the storage portion as the personal information (see column 7, line 62 – column 8, line 2 and figure 2), which reads on the claimed “said data stored in said portable telephone are automatically transmitted to said database center while said portable telephone serves as a transmitter in association with a charging operation when said charging section starts to charge said battery in said portable telephone”.

Regarding claim 2, Mashiko discloses a portable information equipment system with a battery charger including a storage portion for storing backup information of the personal information stored in the portable information equipment (see column 7, lines 51-56), which reads on the claimed “data back up system for a portable telephone”. The battery charger 10 consists of a micro controller and a storage portion for storing backup information (see column 7, lines 51-55). The storage portion reads on the

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claimed "database center provided outside for backing up data such as a cellular phone, a personal handy phone, a car telephone, a maritime mobile radiotelephone, a satellite cellular phone machine or the like". The micro controller reads on the claimed "data backup unit to read from said portable telephone said data set and stored therein and transmit said data to said database center". Both the micro controller and the storage portion are in the battery charger (see column 7, lines 51-55), which reads on the claimed "said data backup unit including a charging section having a charging connection terminal to be connected to a charging terminal of said portable telephone to charge a battery in said portable telephone through said charging connection terminal". When the portable information equipment and the battery charger are connected to be chargeable, the micro controller can transmit and receive a signal to/from the micro controller in the portable telephone equipment (see column 7, line 58 – column 8, line 2), which reads on the claimed "an information transmission interface part to be connected to an external information instrument connection interface part of said portable telephone" and "a data read section to read from said portable telephone through said information transmission interface part said data set and stored in said portable telephone and an external communication section to communicate at least with said database center, said data read section serving to automatically read from said portable telephone said data set and stored therein in association with a charging operation when said charging section starts to charge said battery in said portable telephone". In the operation, the personal information stored in the storage portion in the portable information equipment is transferred to the storage portion in the battery

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charger as the backup information (see column 7, lines 62-67), which reads on the claimed "external communication section serving to transmit said data read by said data read section from said portable telephone to said database center".

Regarding claim 3, Mashiko discloses that in the operation, the personal information stored in the storage portion in the portable information equipment is transferred to the storage portion in the battery charger as the backup information (see column 7, line 62 – column 8, line 2 and figure 2), which reads on the claimed "when it is detected that said data read section reads said data set and stored in said portable telephone, said external communication section automatically transmits to said database center said data set and stored in said portable telephone in association with the read operation of said data read section".

Regarding claim 4, Mashiko discloses that when the portable information equipment and the battery charger are connected to be chargeable, the micro controller can transmit and receive a signal to/from the micro controller in the portable telephone equipment in order to facilitate the transferring of personal information from the portable information equipment to the charger or from the charger to the portable information equipment (see column 7, line 58 – column 8, line 2 and figure 2), which reads on the claimed "said external communication section transmits to said database center said data stored in said portable telephone through said information transmission interface to said backup unit when it is to be charged".

Regarding claim 5, Mashiko discloses that the charging terminals 23 and 24 in the portable information equipment 5 and the battery charger 8, respectively, can be

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electrically connected to be chargeable so that information transmission between the charging terminals 23 and 24 makes possible signal transmission between the micro controller in the battery charger and the micro controller in the portable information equipment (see column 14, lines 18-26), which reads on the claimed "said external communication section transmits to said database center said data stored in said portable telephone by using cable or radio communication means other than said portable telephone".

Regarding claim 6, Mashiko discloses that the battery charger consists of a micro controller and a storage portion for storing backup information of the personal information stored in the portable information equipment (see column 7, lines 51-57), which reads on the claimed "said data backup unit further comprises a data storage section to store said data read by said data read section and said external communication section automatically".

Regarding claim 7, Mashiko discloses that when the portable information equipment and the battery charger are connected to be chargeable, the portable information equipment system can not only perform the charging operation, using the connection as a trigger, but also automatically perform the information management processing of the personal information stored in the storage portion in the portable information equipment (see column 9, lines 9-17 and figure 2), which reads on the claimed "said data backup unit further comprises a data storage section to store said data read by said data read section and said database center automatically reads and stores said data stored by said data storage section in association with the connection

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of said data backup unit to said database center through said external communication section".

Regarding claim 8, Mashiko discloses that when the personal information in the portable information equipment is not updated but in an imperfect condition, the system performs restore processing by transferring the backup information in the battery charger to the storage portion 3 as personal information (see column 9, lines 18-32), which reads on the claimed "said data backup unit or said database center comprises a feedback section to feed back said data stored in said database center to said portable telephone to re-memorize said data in said portable telephone".

Regarding claim 10, Mashiko discloses that the system may be used in conjunction with more than one telephone (see column 9, line 60 – column 10, line 3), which reads on the claimed "said data backup unit can transmit to said database center also said data set and stored in an electrical instrument other than said portable telephone, to which said data backup unit is connected".

Regarding claim 11, Mashiko discloses that the storage portion 3 registers identifying (ID) information unique to the portable information equipment 1 as well as personal information such as a phone number (see column 7, lines 37-40), which reads on the claimed "said data, which are to be backed up and set and stored in said portable telephone include at least a control information or a setup function information required for an operation of said portable telephone and a telephone call information such as a telephone number information, an arrival telephone number information, a dispatch telephone number information, a telephone call time or other arbitrary data".

Regarding claim 14, Mashiko discloses a portable information equipment system with a battery charger including a storage portion for storing backup information of the personal information stored in the portable information equipment (see column 7, lines 51-56), which reads on the claimed "method of backing up data set and stored in a portable telephone". When the portable information equipment and the battery charger are connected to be chargeable, the portable information equipment system can not only perform the charging operation, using the connection as a trigger, but also automatically perform the information management processing of the personal information stored in the storage portion in the portable information equipment (see column 9, lines 9-17 and figure 2), which reads on the claimed "giving a command to said portable telephone so that said data set and stored in said portable telephone are automatically transmitted to a database center while said portable telephone which is carried out by a data backup unit including a charging section to charge a battery in said portable telephone whereby said data set and stored in said portable telephone are stored in said database center for storing them".

Regarding claim 15, Mashiko discloses Mashiko discloses a portable information equipment system with a battery charger including a storage portion for storing backup information of the personal information stored in the portable information equipment (see column 7, lines 51-56), which reads on the claimed "method of backing up data set and stored in a portable telephone". When the portable information equipment and the battery charger are connected to be chargeable, the portable information equipment system can not only perform the charging operation, using the connection as a trigger,

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but also automatically perform the information management processing of the personal information stored in the storage portion in the portable information equipment (see column 9, lines 9-17 and figure 2), which reads on the claimed "automatically reading said data set and stored in said portable telephone and transmitting said read data to a database center by means of a data backup unit including a charging section to charge a battery in said portable telephone in association with a charging operation of said portable telephone which is carried out by said data backup unit whereby said data set and stored in said portable telephone are stored in said database center for storing them".

Regarding claim 16, Mashiko discloses that in the operation, the personal information stored in the storage portion in the portable information equipment is transferred to the storage portion in the battery charger as the backup information (see column 7, line 62 – column 8, line 2 and figure 2), which reads on the claimed "said data set and stored in said portable telephone are automatically transmitted to said database center in association with a detection of the read operation which is performed by said data backup unit in association with the charging operation of said battery in said portable telephone which is carried out by said charging section of said data backup unit".

Regarding claim 17, Mashiko discloses that when the portable information equipment and the battery charger are connected to be chargeable, the micro controller can transmit and receive a signal to/from the micro controller in the portable telephone equipment in order to facilitate the transferring of personal information from the portable

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information equipment to the charger or from the charger to the portable information equipment (see column 7, line 58 – column 8, line 2 and figure 2), which reads on the claimed “said data stored in said portable telephone are transmitted to said database center with said portable telephone as a transmitter connected to said data backup unit on its charging in accordance with a command from said data backup unit”.

Regarding claim 18, Mashiko discloses that the charging terminals 23 and 24 in the portable information equipment 5 and the battery charger 8, respectively, can be electrically connected to be chargeable so that information transmission between the charging terminals 23 and 24 makes possible signal transmission between the micro controller in the battery charger and the micro controller in the portable information equipment (see column 14, lines 18-26), which reads on the claimed “said data stored in said portable telephone are transmitted to said database center by using cable or radio communication means other than said portable telephone”.

Regarding claim 19, Mashiko discloses that when the portable information equipment and the battery charger are connected to be chargeable, the portable information equipment system can not only perform the charging operation, using the connection as a trigger, but also automatically perform the information management processing of the personal information stored in the storage portion in the portable information equipment (see column 9, lines 9-17 and figure 2), which reads on the claimed “said data read from said portable telephone by the data backup unit are stored, said data read from the portable telephone or said data stored in said data

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backup unit are transmitted automatically or at an arbitrary time to said database center in association with the read operation".

Regarding claim 20, Mashiko discloses that when the portable information equipment and the battery charger are connected to be chargeable, the portable information equipment system can not only perform the charging operation, using the connection as a trigger, but also automatically perform the information management processing of the personal information stored in the storage portion in the portable information equipment (see column 9, lines 9-17 and figure 2), which reads on the claimed "said data read from said portable telephone by said data backup unit are stored, said data stored in a data storage section are automatically read and stored by said database center in association with the connection of said data backup unit through an external communication means to said database center".

Regarding claim 21, Mashiko discloses that when the personal information in the portable information equipment is not updated but in an imperfect condition, the system performs restore processing by transferring the backup information in the battery charger to the storage portion 3 as personal information (see column 9, lines 18-32), which reads on the claimed "said data stored in said database center comprises are fed back to said portable telephone by said data backup unit or said database center to re-memorize said data in said portable telephone".

Regarding claim 24, Mashiko discloses that the storage portion 3 registers identifying (ID) information unique to the portable information equipment 1 as well as personal information such as a phone number (see column 7, lines 37-40), which reads

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on the claimed "said data, which are to be backed up and set and stored in said portable telephone include at least a control information or a setup function information required for an operation of said portable telephone and a telephone call information such as a telephone number information, an arrival telephone number information, a dispatch telephone number information, a telephone call time or other arbitrary data".

Regarding claims 27, 28, 55 and 56, Mashiko discloses that the battery charger consists of a micro controller and a storage portion for storing backup information of the personal information stored in the portable information equipment (see column 7, lines 51-57), which reads on the claimed "data storage section to store said data read by said data read section and said external communication section automatically".

Regarding claims 29, 30, 57 and 58, Mashiko discloses that when the portable information equipment and the battery charger are connected to be chargeable, the portable information equipment system can not only perform the charging operation, using the connection as a trigger, but also automatically perform the information management processing of the personal information stored in the storage portion in the portable information equipment (see column 9, lines 9-17 and figure 2), which reads on the claimed "said data backup unit further comprises a data storage section to store said data read by said data read section and said database center automatically reads and stores said data stored by said data storage section in association with the connection of said data backup unit to said database center through said external communication section," or, "said data read from said portable telephone by said data backup unit are stored, said data stored in a data storage section are automatically read

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and stored by said database center in association with the connection of said data backup unit through an external communication means to said database center”.

Regarding claims 31-38, Mashiko discloses that when the personal information in the portable information equipment is not updated but in an imperfect condition, the system performs restore processing by transferring the backup information in the battery charger to the storage portion 3 as personal information (see column 9, lines 18-32), which reads on the claimed “said data backup unit or said database center comprises a feedback section to feed back said data stored in said database center to said portable telephone to re-memorize said data in said portable telephone”.

Regarding claims 39-53, Mashiko discloses that the system may be used in conjunction with more than one telephone (see column 9, line 60 – column 10, line 3), which reads on the claimed “said data backup unit can transmit to said database center also said data set and stored in an electrical instrument other than said portable telephone, to which said data backup unit is connected”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 9, 22, 23, 54 and 59-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mashiko in view of Traeger (US005317691A).

Regarding claims 9 and 22, Mashiko fails to expressly disclose that the charging connection terminal and the information transmission interface are removable from the body of the data backup unit.

In a similar field of endeavor, Traeger discloses a system where modules in a docking unit may be coupled to a controller by means of end connector receptacles 311, 312 and that screws 438 secure the connectors 311, 312 to the receptacle support plate (see column 9, lines 35-55 and figure 25). Since screws attach the receptacles, they are detachable.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Mashiko with Traeger to include the above screw-on receptacles in order to effectively secure the receptacles to the unit.

Regarding claims 23 and 59-63, Mashiko fails to expressly disclose that the battery charger may be connected to another device other than the portable telephone simultaneously.

In a similar field of endeavor, Traeger discloses a docking system where multiple portable data terminals may be recharged and/or integrated with a data collection system at one time (see column 7, lines 40-54).

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It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Mashiko with Traeger to include the above ability to simultaneously serve more than one terminal in order to decrease the time it would take to recharge and collect data from a number of terminals.

Regarding claim 54, as applied to claim 9 above, the combination of Mashiko and Traeger discloses that the system may be used in conjunction with more than one telephone (see Mashiko column 9, line 60 – column 10, line 3), which reads on the claimed "said data backup unit can transmit to said database center also said data set and stored in an electrical instrument other than said portable telephone, to which said data backup unit is connected".

Claims 12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mashiko in view of Endo et al (US006617980B2).

Regarding claims 12 and 25, Mashiko fails to expressly disclose limiting transmission data.

In a similar field of endeavor, Endo et al discloses a system where it is preferable to limit the data volume of a road environment information to be transmitted to a predetermined volume (see column 25, lines 60-67).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Mashiko with Endo et al to include the above limiting of transmission data in order to avoid overloading of the system.

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Claims 13 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mashiko in view of Kikinis et al (US005835732A).

Regarding claims 13 and 26, as best understood in view of the above objection, Mashiko fails to expressly disclose arbitrary selection of data to be sent.

In a similar field of endeavor, Kikinis et al discloses a system for a PDA where there may also be provided a backup option so a user may instruct the vending machine to read and copy all or a selection of his files to one or more floppy disks before installing new files or data (see column 12, lines 17-20).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Mashiko with Kikinis et al to include the above selection of data to be sent in order to save storage space by duplicating only the most important files.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Ushiroda (US006212403B1) discloses a wireless telephone battery charging while performing data communications.

Ito et al (US006329787B1) discloses a reception system, battery charging device, portable information terminal, and transmission and reception system.

Nishiyama (US005511240A) discloses a radio telephone system capable of transmitting data communication through a battery charger.

Griffin et al (US005734252A) discloses a method and apparatus for charging a battery of an electronic device using an intelligent external charger.

Averbuch et al (US005689825A) discloses a method and apparatus for downloading updated software to portable wireless communication units.

Saliba (US005894425A) discloses a wireless secondary interface for data storage device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J Fox whose telephone number is (703) 305-8994. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJF

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